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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,573	07/03/2003	Karl Rothamel	P/4074-18	5450
2352	7590	08/25/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				KWOK, HELEN C
ART UNIT		PAPER NUMBER		
		2856		

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/613,573	ROTHAMEL ET AL.
	Examiner Helen C. Kwok	Art Unit 2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) 1-25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/17/03 & 1/28/04</u> .	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 1-25 are objected to because of the following informalities. Appropriate correction is required.

In claim 1, lines 11-12, the phrase “the machine housing” should be changed to – the housing --.

In claim 2, what is the word “its” referring to? In line 3, the phrase “the machine housing” should be changed to – the housing --.

In claim 3, lines 2-3, the phrase “the machine housing” should be changed to – the housing --.

In claim 4, line 2, the word – for – should be inserted after the word “means”. In line 2, the phrase “the machine housing” should be changed to – the housing --.

In claim 5, line 2, the word – the – should be inserted after the word “means”. In line 4, the word – for – should be inserted after the word “means”.

In claim 6, line 3, the phrase “the arcuate shape” should be changed to – the arcuate configuration --.

In claim 8, line 3, the phrase “the region” should be changed to – a region --.

In claim 9, line 2, the word "said" should be deleted. In line 2, the phrase "the end" should be changed to – an end --. In line 3, the phrase "the region" should be changed to – a region --.

In claim 10, line 2, the word – for – should be inserted after the word 'means'.

In claim 14, it appears that the claim should be depended on claim 8 to provide proper antecedent basis.

In claim 15, it appears that the claim should be depended on claim 8 to provide proper antecedent basis.

In claim 16, line 2, the phrase "the machine housing" should be changed to – the housing --. Furthermore, it appears that the claims should be depended on claim 8 to provide proper antecedent basis.

In claim 17, line 2, the phrase "the machine housing" should be changed to – the housing --. Furthermore, it appears that the claims should be depended on claim 8 to provide proper antecedent basis.

In claim 22, line 3, the phrase "the longitudinal direction" should be changed to – a longitudinal direction --. Furthermore, it appears that the claims should be depended on claim 8 to provide proper antecedent basis.

In claim 23, line 2, the phrase "the end" should be changed to – an end --. In line 3, the phrase "the outside" should be changed to – an outside --. In line 4, a comma should be placed after the word "plate". In line 4, the phrase "the inside" should be changed to – an inside --.

In claim 24, line 2, the phrase "the end" should be changed to – an end --. In line 3, the phrase "the outside" should be changed to – an outside --. In line 4, a comma should be placed after the word "plate". In line 4, the phrase "the inside" should be changed to – an inside --.

In claim 25, line 2, the word – for – should be inserted after the word "means". In line 12, the phrase "the machine housing" should be changed to – the housing --. In line 17, what is the word "its" referring to? In line 18, the phrase "the machine housing" should be changed to – the housing --.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references cited are related to balancing measuring apparatus having a protective guard.

4. This application is in condition for allowance except for the following formal matters as set forth above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helen C. Kwok
Art Unit 2856

hck
August 20, 2004